

SENATE CS FOR HOUSE BILL NO. 124(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - FIRST SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered: 3/31/05

Referred: Rules

Sponsor(s): REPRESENTATIVES ANDERSON, Wilson, Olson, Ramras, Croft, McGuire, Elkins, Gruenberg, Dahlstrom, Lynn, LeDoux, Kelly

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the collection of, and the use of reasonable force to collect, a**
2 **deoxyribonucleic acid sample from persons convicted of or adjudicated delinquent for**
3 **certain crimes; and providing for an effective date."**

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 * **Section 1.** AS 44.41.035(b) is amended to read:

6 (b) The Department of Public Safety shall collect for inclusion into the DNA
7 registration system a blood sample, oral sample, or both, from (1) a person convicted
8 **in this state** of a crime against a person or a felony under AS 11 or AS 28.35 **or a law**
9 **or ordinance with elements similar to a crime against a person or a felony under**
10 **AS 11 or AS 28.35**, (2) a minor 16 years of age or older, adjudicated as a delinquent
11 **in this state** for an act that would be a crime against a person or a felony under AS 11
12 or AS 28.35 [,] if committed by an adult **or for an act that would violate a law or**
13 **ordinance with elements similar to a crime against a person or a felony under**
14 **AS 11 or AS 28.35 if committed by an adult**, (3) a voluntary donor, (4) an

anonymous DNA donor for use in forensic validation, forensic protocol development, quality control, or population or statistical data bases, and (5) a person required to register as a sex offender or child kidnapper under AS 12.63. The department also may collect for inclusion into the DNA registration system a blood sample, oral sample, or tissue sample from crime scene evidence or from unidentified human remains. The DNA identification registration system consists of the blood, oral, or tissue samples drawn under this section, any DNA or other blood grouping tests done on those samples, and the identification data related to the samples or tests. Blood samples, oral samples, and tissue samples not subject to testing under this section, and test or identification data related to those samples, may not be entered into, or made a part of, the DNA identification registration system.

* **Sec. 2.** AS 44.41.035 is amended by adding new subsections to read:

(o) A juvenile or adult correctional, probation, or parole officer or a peace officer may use reasonable force to collect an oral sample for inclusion into the DNA registration system from a person required to submit to collection of a sample under this section, AS 12.55.015(h), 12.55.100(d), AS 33.16.150(a), or another law.

(p) A person may not bring a civil action against the state or a municipality, or their employees or agents, for actions arising out of DNA collection in conformity with this section.

* **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to read:

APPLICABILITY. The changes made by this Act apply to all convictions or adjudications of delinquency included under AS 44.41.035(b), as amended by sec. 1 of this Act, that

(1) occur on or after the effective date of sec. 1 of this Act;

(2) occurred before the effective date of sec. 1 of this Act if the person is incarcerated or is on probation or parole for the offense on or after the effective date of sec. 1 of this Act.

* **Sec. 4.** This Act takes effect immediately under AS 01.10.070(c).